

### **REMARKS**

Claims 1, 3, 6-14, 16-20 and 22-29 are pending in the application.

#### **Interview**

The Applicants thank the Examiner for the Interview conducted on October 4, 2005. The Applicants and Mr. Phan discussed the cited prior art in relation to the pending claims.

Mr. Phan agreed that the claim amendments made herein allow the pending claims to distinguish over the cited prior art. In particular, the cited prior art fails to disclose or suggest automatically sending a notification message to a user upon satisfaction of a particular event based on Caller ID information and receipt of at least two telephone calls from a particular caller or a group of callers within a predetermined range of time.

Moreover, Applicants pointed out that Swartz discloses turning Caller ID on and off, NOT using Caller ID as a basis for sending a notification message, much less via an Internet. The Examiner agreed to re-review Swartz to verify the Applicants' contention.

#### **Claims 1, 3, 6-14, 16-20 and 22-25 over Tatchell**

Claims 1, 3, 6-14, 16-20 and 22-25 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 5,905,774 to Tatchell ("Tatchell"). The Applicants respectfully traverse the rejection.

Claims 1, 3, 6-14, 16-20 and 22-25 recite a method and system to automatically send a notification message based on receipt of at least two telephone calls from a particular caller or a group of callers within a predetermined range of time.

The Examiner cites col. 16, lines 42-48, col. 18, lines 26-56 and col. 20, lines 25-36 of Tatchell to allegedly disclose a method and system to activate an auto dialing calling module to send a notification message based on receipt of at least two telephone calls within a predetermined range of time (See Office Action, page 2).

Tatchell at col. 16, lines 42-48 simply discloses a table listing an incoming call log. The incoming call log does disclose that a caller with a telephone number 613-516-2323 called twice on Sept. 6 and left a spoken name. However, the fact that a particular caller has called more than once is only disclosed as being informative, **NOT** used as a basis to **automatically** send a notification message, as recited by claims 1, 3, 6-14, 16-20 and 22-25.

Tatchell at col. 18, lines 26-56 discloses forwarding of a caller's identification, i.e., announce a caller, to a subscriber's current location number **NOT** based on if a particular caller has called more than once, as recited by claims 1, 3, 6-14, 16-20 and 22-25.

Tatchell at col. 20, lines 25-36 discloses a table that provides a call forwarding schedule database that dictates what the subscriber's current location number is during different periods of time, i.e., weekends and time throughout the date on weekdays. Tatchell's table at col. 20, lines 25-36 has nothing to do with if a particular caller has called more than once **within a predetermined range of time**, as recited by claims 1, 3, 6-14, 16-20 and 22-25.

Thus, Tatchell disclose a method and system to direct an announcement of an incoming call directed at a first telephone number at a second telephone number. Tatchell's announcement is based on a time of data, day of week and an identification of a caller **NOT** on a **NUMBER**, i.e., a plurality, of times a particular caller or a group of callers call **within a predetermined range of time**, much less the number of times a call is made within a **predetermined range of time** i.e., a method and system to activate an auto dialing calling module to send a notification message based on receipt of at least two telephone calls from at least one of a particular caller or a group of callers **within a predetermined range of time**, as recited by claims 1, 3, 6-14, 16-20 and 22-25.

The Examiner alleges that a user using Tatchell's invention **can** manually initiate an auto dialing module upon reviewing that he has received at least two calls (See Office Action, page 3). However, under 35 USC 102(e) the prior art, i.e., Tatchell, must **DISCLOSE** the claimed features. Thus, what a user **can** do with Tatchell's invention is **irrelevant**, Applicants' claimed features must

read on Tatchell's disclosure, not speculative uses of Tatchell invention. As discussed above, Tatchell fails to disclose Applicants' claimed features.

A benefit of a method and system to automatically activate an auto dialing calling module to send a notification message based on receipt of at least two telephone calls from at least one of a particular caller and a group of callers within a predetermined range of time is, e.g., filtering of notification messages based on URGENCY. Typically, if a caller URGENTLY wishes to get in contact with a called party the caller with REPEATEDLY call the called party. By basing an announcement message on a NUMBER, i.e., a plurality, of times a calling party tries to contact a called party, less urgent calls can be left for later response and more URGENT calls can be handled in a more timely manner. The cited prior art fails to disclose or suggest the claimed features having such benefits.

For at least all the above reasons, claims 1, 3, 6-14, 16-20 and 22-25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

#### **Claims 1, 16, 23, 24 and 26-29 over Swartz**

Claims 1, 16, 23, 24 and 26-29 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 6,445,694 to Swartz ("Swartz"). The Applicants respectfully traverse the rejection.

Claims 1, 16, 23 and 24 recite a method and system to automatically send a notification message based on receipt of at least two telephone calls from a particular caller or a group of callers within a predetermined range of time.

The Examiner cites Fig. 7 and Fig. 11 of Swartz to allegedly disclose a method and system to automatically activate an auto dialing calling module to send a notification message based on receipt of at least two telephone calls within a predetermined range of time.

Swartz in Fig. 7 and its accompanying text discloses a web page that provides options related to an Internet controlled telephone system that allows calls to be forwarded to an Internet voice connection or to another

telephone number. An exception list allows a user to specify an alternate phone number that calls are routed to (See Swartz, Fig. 7 and its accompanying text).

Swartz in Fig. 11 and its accompanying text discloses a web page that provides paging options. The paging options allow various pages, i.e., page on incoming voice mail, page on incoming email and page on incoming fax (See Swartz, Fig. 11 and its accompanying text). A user is given the option to send a page on each occurrence of an incoming voice mail, incoming email and an incoming fax or on a 1<sup>st</sup> new occurrence only (See Swartz, Fig. 11 and its accompanying text).

Swartz discloses a system and method that allows a page to be sent to on each occurrence of each occurrence of an incoming voice mail, incoming email and an incoming fax or on a 1<sup>st</sup> new occurrence only. Thus, Swartz, like Tatchell fails to disclose a notification message that is based on a NUMBER, i.e., a plurality, of times a particular caller or a group of callers call within a predetermined range of time, much less the number of times a call is made within a predetermined range of time, i.e., a method and system to activate an auto dialing calling module to send a notification message based on receipt of at least two telephone calls from a particular caller or a group of callers within a predetermined range of time, as recited by claims 1, 16, 23 and 24.

Claims 26-29 recite a system to send a notification message to a user upon satisfaction of a particular event based on Caller ID information, the notification message being communicated via an Internet.

The Examiner cites Fig. 8 and Fig. 9 of Swartz to disclose a system to send a notification message to a user upon satisfaction of a particular event based on Caller ID information, the notification message being communicated via an Internet (See Office Action, page 9).

Fig. 8 and its accompanying text discloses a web page that gives a user various forwarding options. Fig. 9 and its accompanying text discloses a web page that allows a user to set up voice mailbox services. However, Swartz only discusses Caller ID information in relation to giving a user the option to block and unblock Caller ID information (See Abstract; Fig. 3; col. 8, lines 25-47). Swartz fails to disclose use of Caller ID information as a basis to control sending

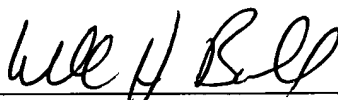
of a Notification message, much less via an Internet, i.e., a system to send a notification message to a user upon satisfaction of a particular event based on Caller ID information, the notification message being communicated via an Internet, as recited by claims 26-29.

For at least all the above reasons, claims 1, 16, 23, 24 and 26-29 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

### **Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

  
\_\_\_\_\_  
William H. Bollman  
Reg. No. 36,457

### **MANELLI DENISON & SELTER PLLC**

2000 M Street, NW  
Suite 700  
Washington, DC 20036-3307  
TEL. (202) 261-1020  
FAX. (202) 887-0336  
WHB/df